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FM AMEMBASSY KHARTOUM  
TO RUEHC/SECSTATE WASHDC PRIORITY 2954  
INFO RUCNIAD/IGAD COLLECTIVE

C O N F I D E N T I A L KHARTOUM 001256

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E.O. 12958: DECL: 05/26/2016  
TAGS: [PGOV](#) [PREL](#) [ER](#) [SU](#)  
SUBJECT: NATIONAL ASSEMBLY AND THE CONSTITUTIONAL COURT

Classified By: Acting P/E Chief Michael Honigstein, Reason: Section 1.4  
(b) and (d).

¶1. (C) Summary: Poloff met with the Minister of Parliamentary Affairs, Joseph Okelo who outlined the procedures for passing laws in the National Assembly. The National Assembly is currently hearing testimony from each Ministry about their previous and future activities. However, Okelo doubted this would produce answers, especially from the Ministers of Interior and Defense, as they often claim an incident is under investigation to avoid divulging information. Poloff also spoke with the former Deputy Chief Justice of the Constitutional Court, Dr. Hassan al-Bili, who stated that the Constitutional Court was not functioning and its independence was compromised because the Presidency must approve their budget. End Summary.

How To Pass A Law  
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¶2. (U) Poloffs spoke with Minister of Parliamentary Affairs, Joseph Okelo, from the USAP Southern Political Party, who outlined that his ministry was responsible for the coordination of ministries and proposing a schedule for the National Assembly. Okelo said that the relevant ministries must propose a law to the Council of Ministers who would then determine whether a law is required. If a law is required the proposed law is sent to the National Assembly for approval, after which the Ministry of Justice verifies that the proposed law does not contradict other laws or the Constitution. Once verified, the President must sign the proposed law within 30 days or it becomes law. If the President objects he must issue recommendations to the National Assembly for their approval. If the National Assembly does not pass a law, the Council of Ministers may pass a law with reservations.

¶3. (SBU) According to European Commission representative (E.C.) Illaria Mussetti, the SPLM has requested technical assistance to analyze laws in the National Assembly. Mussetti said that the E.C. would provide legal assistance to the National Assembly, not only to the SPLM members.

National Assembly Business  
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¶4. (C) Each Ministry is presenting performance updates for 2005 and plans for 2006 to the National Assembly. The Minister of Interior recently presented his plan for his ministry including responding to the April 22 Amri incidents in which unprovoked police officers in Northern Sudan killed three people and injuring fifty. The Minister was supposed to discuss the collapse of the Ministry of Interior building in 2005 which led to the resignation of the Minister of Interior, later reassigned as the Minister of Defense. According to Okelo the National Assembly was not pleased with the Minister's testimony because he did not provide details on the Amri incident or the collapsed building citing that it

was "under investigation".

15. (SBU) According to Okelo, one of the key issues which will be discussed during the Minister of Justice's testimony is the delay in reforming the 60 laws identified as contradicting the Constitution. On May 22, Poloff spoke with the Minister of Justice, Mohammed Ali al-Mardi, who said that he was preparing for his testimony to the National Assembly.

Constitutional Court: Salary Woes

16. (C) Poloff spoke with Dr. Hassan al-Bili, former Deputy Chief Justice of the Constitutional Court about the challenges facing the current court. Bili said that the judges have not discussed their salaries nor established an administrative budget. The Presidency must approve the Court's budget, which Bili said would compromise the independence of the court. Bili told Poloff that the major difference between the new and old Constitutional Court is that previously the National Assembly approved the budget. Bili said that Chief Justice, Abdallah Ahmed Abdallah, is reluctant to request from President Bashir a salary and operating costs for the court. Bili added that although nominated by Vice President Taha, Abdallah lacks a relationship with government officials because he worked in Kuwait for thirty years.

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